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OFFICE OF PETITIONS

ON PETITION

In re Application of
Jeremy Minshull, et. al.
Application No. 09/920,607
Filed: July 31, 2001
Attorney Docket No. 0178.210US

This is a decision on the petition under 37 CFR 1.137(b), filed July 29, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction mailed January 13, 2003, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight February 13, 2003.

In response to the restriction requirement, petitioner submitted with the instant petition an authorization to charge \$1300 for the petition to revive fee, an election, and an authorization to charge a five (5) months extension of time.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Office records reveal that the request for a five (5) months extension of time submitted with the petition on July 29, 2003, was subsequent to the maximum extendable period for reply. Therefore, the request for extension of time is unnecessary and the \$1970 fee will **not** be charged to petitioner's deposit account.

Since all the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
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for Patent Examination Policy